

Application Ser. No.: 10/018,219
Attorney Docket No.: CNF-002

Remarks

A. Drawings

In response to the Examiner's comments regarding features of the invention claimed but not shown in the drawings, new Figs 7 and 8 have been added showing these features. Applicant asserts that no new matter has been introduced by the addition of these new drawings as the written description of the specification clearly describes what is now shown in the drawings. As a result, Applicant requests that the Examiner's objection to the drawings be withdrawn.

B. Claim Rejections

The Examiner has rejected claims 130-134 pursuant to 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Pursuant to a telephone conversation between the Examiner and the Applicant's representative on 8 December 2004, during which this rejection was discussed, the Applicant submits the new drawings discussed above. Applicant respectfully asserts that the new drawings submitted herewith overcome this objection.

The operative connection of one pump to another is well within the purview of one of skill in the relevant art. Applicant shows two pumps of the present invention operatively connected. As the Examiner is aware, the Federal Circuit's recent decision in *Innova/Pure Water, Inc. v. Safari Water Filtration Systems, Inc.*, 381 F.3d 1111, 1118 (Fed. Cir. 2004), clarifies that the term "operatively connected" should be given its full and ordinary meaning: that the claimed components must be connected, physically or non-physically, in such a way as to perform a designated function, such as pumping. As is readily recognized by those in the art, the operative connection of pumps can include *inter alia* a physical linkage such that the pumps are driven by the same driving rod and a computer that controls the driving action of the pumps.

New Figs 7A and B show how, merely by alternating the orientation of the long axis of the elliptical shape of the chamber 10, the phase of the pumps in the system may be altered

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with respect to one another. Applicants contend that this technique regarding rotary pumps is well understood by those of skill in the art.

New Fig 8 shows how a pump can include multiple chambers. While only two such chambers are shown, the extension to four chambers is clearly analogous. As shown in Figs 7A and 7B, each chamber of a pump may be oriented such that the long axis of the elliptical shape thereof is offset with respect to the other chambers of the pump. This allows each chamber to operate on a phase-shifted basis relative to the other chambers.

With the submission of the amended and new drawings herewith, Applicants believe that the rejection of claims 130-134 pursuant to 35 U.S.C. §112, first paragraph, has been overcome. Therefore, the application is in condition for allowance, and applicants respectfully request early indication thereof.

Applicant submits herewith the fee for the Request for Continued Examination as well as the fee for a three-month extension of time to reply to this Office Action. Should any additional fee be required, the Commissioner is authorized to charge any required fees, or credit any overpayments, to Deposit Account No. 50-1980.

Respectfully submitted,

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Jennifer R. Blahut (Reg. No. 477651)
H. T. Than (Reg. No. 38,632) *for H.T. Than*
Attorney for Applicant
1010 Wisconsin Avenue, NW, Suite 560
Washington, DC 20007
(202) 363-2620

Enclosures